UNITED STATES PATENT AND TRADEMARK OFFICE

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
THOMPSON, JAMES A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 March 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7 and 15-19_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-7 and 15-19_ is/are rejected.
7)☒ Claim(s) _19_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 04 March 2009 has been entered.

Response to Arguments

2.   Applicant's arguments filed 04 March 2009 have been fully considered but they are not

persuasive. While Examiner agrees with Applicant that the present amendments to claim 1 do overcome

Murata (US-6,111,659), additional prior art has been discovered which does fully teach the present

claims. Accordingly, new prior art rejections are set forth below

Claim Objections

3.   Claim 19 is objected to because of the following informalities: Claim 19 recites the "instruction

data of claim 1" although claim 1 recites a data processing device. Thus, claim 19 should be amended to

appropriately refer back to claim 1, from which it depends. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1, 6, 7 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Margalit (US-6,763,399).**

Regarding claim 1: Margalit discloses a data processing device (figure 1(10) of Margalit) having one or more functions (column 2, lines 37-44 of Margalit), the device comprising: a storing unit (figure 1(50-70) of Margalit) that stores various types of data (column 2, lines 40-43 of Margalit); a function implementing unit (figure 1(30) and column 3, lines 5-11 of Margalit); and an interface (figure 1 (40) of Margalit) that is structured to be connected to both an external personal computer (figure 1(20) and column 2, lines 56-59 of Margalit) and the function implementing unit (column 2, lines 56-63 of Margalit), the function implementing unit accessing to the storing unit to read and write various types of data via the interface, and the interface allowing the external personal computer to access the storing unit to read and write the various types of data when the external personal computer is connected to the interface (column 3, lines 6-14 of Margalit – *both function implementing unit and external computer read and write information between each other*), the storing unit being capable of being recognized, by the external personal computer, as an external storage device (column 2, lines 34-36 and lines 56-62 of Margalit – *USB connected devices generally seen as external device by the computer to which they are connected*), wherein the function implementing unit that, when instruction data is stored in the storing unit via the interface by the external personal computer, reads the instruction data and executes a process to implement one of the one or more functions that is indicated by the read instruction data (column 2, line 63 to column 3, line 11 of Margalit).

Regarding claim 6: Margalit discloses expressly that when notification instruction data for requesting a notification of settings related to one of the one or more functions is stored in the storing

unit, the function implementing unit stores content notification data in the storing unit indicating settings related to a function for which the notification instruction data requests notification (column 2, line 66 to column 3, line 3 of Margalit - *user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions*).

Regarding claim 7: Margalit discloses that when the modification instruction data for requesting an update of settings related to one of the one or more functions is stored in the storing unit, the function implementing unit updates settings for a function instructed to be updated by the modification instruction data (column 2, line 66 to column 3, line 3 of Margalit – *latest version of user data is stored along with the necessary protocol information, thus storing the needed notification data that indicates the settings related to the requested user data storage functions*).

Regarding claim 19: Margalit discloses that the storing unit includes a random access memory (figure 1(60) and column 3, lines 7-11 of Margalit).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 2, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Yoneta (US-6,359,699 B1).**

Regarding claim 2: Margalit does not disclose expressly an instruction data deletion commanding unit that deletes the instruction data from the storing unit after the function implementing unit implements a function indicated by the instruction data.

Yoneta discloses an instruction data deletion commanding unit that deletes the instruction data

from the storing unit after the function implementing unit implements a function indicated by the

instruction data (figure 8(S8-15) and column 8, lines 20-25 of Yoneta).

Margalit and Yoneta are combinable because they are from similar problem solving areas, namely

how to best manage information used in executing various processes, wherein said information is stored

in separate memory devices. At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to optionally delete instruction data after the instruction data is used to implement

particular functions, as taught by Yoneta. The motivation for doing so would have been to keep certain

information secure by allowing the information to be used only when specifically needed. A further

motivation for doing so would have been to allow an end user to use the information only to the extent

that the end user has paid for access to the information. Therefore, it would have been obvious to

combine Yoneta with Margalit to obtain the invention as specified in claim 2.

Regarding claim 17: Margalit discloses expressly that when notification instruction data for

requesting a notification of settings related to one of the one or more functions is stored in the storing

unit, the function implementing unit stores content notification data in the storing unit indicating settings

related to a function for which the notification instruction data requests notification (column 2, line 66 to

column 3, line 3 of Margalit - *user data is stored along with the necessary protocol information, thus*

storing the needed notification data that indicates the settings related to the requested user data storage

functions).

Regarding claim 18: Margalit discloses that when the modification instruction data for

requesting an update of settings related to one of the one or more functions is stored in the storing unit,

the function implementing unit updates settings for a function instructed to be updated by the

modification instruction data (column 2, line 66 to column 3, line 3 of Margalit – *latest version of user*

data is stored along with the necessary protocol information, thus storing the needed notification data

that indicates the settings related to the requested user data storage functions).

7.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Murata (US-6,111,659).

Regarding claim 3: Margalit does not disclose expressly a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit.

Murata discloses a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit (column 6, lines 54-58 of Murata).

Margalit and Murata are combinable because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image scanner taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanner environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit to obtain the invention as specified in claim 3.

Further regarding claim 4: Murata discloses that the function implementing unit instructs the reading unit to read the image and produce the image data representing the image and thereafter stores the image data read by the reading unit in the storing unit (column 6, lines 54-58 of Murata).

Regarding claim 5: Margalit does not disclose expressly a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit.

Murata discloses a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit (column 6, lines 40-46 of Murata).

Margalit and Murata are combinable because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image data acquisition and printing taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanning and printing environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit to obtain the invention as specified in claim 5.

7.   **Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Margalit (US-6,763,399) in view of Yoneta (US-6,359,699 B1) and Murata (US-6,111,659).**

       Regarding claim 15: Margalit in view of Yoneta does not disclose expressly a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit.

       Murata discloses a reading unit that implements a scanner function to read a prescribed image as image data, wherein the function implementing unit instructs the reading unit to read an image as image data when read instruction data for instructing that an image be read using the scanner function is stored in the storing unit (column 6, lines 54-58 of Murata).

       Margalit in view of Yoneta is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image scanner taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanner environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Yoneta to obtain the invention as specified in claim 15.

       Regarding claim 16: Margalit in view of Yoneta does not disclose expressly a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when

print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit.

Murata discloses a printing unit that implements a printer function to print an image on a printing medium based on image data, wherein the function implementing unit instructs the printing unit to print an image based on the image data when print instruction data indicating that an image be printed with the printer function and the image data are stored in the storing unit (column 6, lines 40-46 of Murata).

Margalit in view of Yoneta is combinable with Murata because they are from the same field of endeavor, namely data acquisition and storage between separate devices connected through an interface. At the time of the invention, it would have been obvious to one of ordinary skill in the art to apply the general USB key device taught by Margalit in the specific context of the digital image data acquisition and printing taught by Murata. The suggestion for doing so would have been that both devices are data acquisition devices with their own internal processors which operate under the control of external computer instructions delivered over an interface. The specific implementation in a scanning and printing environment is simply one of the many possible ways the USB key technology taught by Margalit can be applied. Therefore, it would have been obvious to combine Murata with Margalit in view of Yoneta to obtain the invention as specified in claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is (571)272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR

CANADA) or 571-272-1000.

/James A Thompson/
Examiner, Art Unit 2625

29 March 2009